

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

BASSEM KANDIL AND FLORA	:	Civil Action No. 06-cv-4701
KANDIL, his spouse,	:	
Plaintiff(s)	:	Hon. Madeline Cox Arleo
v.	:	
	:	
	:	
	:	NOTICE OF MOTION TO FILE PLAINTIFF'S
POLICE OFFICER GARY	:	OPPOSITION TO DEFENDANTS'
YURKOVIC, POLICE OFFICER	:	SUMMARY JUDGMENT MOTIONS
ANTHONY MARK ABODE, et al.	:	NUNC PRO TUNC
Defendant(s)	:	
	:	
	:	
	:	

TO THE HON. MADELINE COX ARLEO:

Please Take Notice that the undersigned respectfully requests leave to file Plaintiff's Opposition to the Defendants' Motions for Summary Judgment Nunc Pro Tunc for the reasons as set-forth below.

1. As the Court is well aware, I have been graciously granted several extensions to file Plaintiff's opposition to Defendants' Summary Judgment Motions. I am also aware that my opposition and cross-motion were to have been filed by August 31, 2009 and I am also aware of the Court's Order to Show Cause Hearing notice of 12/23/09.

2. While I have been making a diligent effort to finalize Plaintiff's Opposition Brief for the past several weeks, obviously that has not been accomplished. For the Court's information, I have attached a brief summary of my personal diary from 8/31/09 through the present.

3. As all counsel are aware, my associate, Susan Reed, has been working with me in a significant fashion in this matter. Ms. Reed has been out of the office for a good deal of time during the past couple of months for two (2) surgeries. Following the surgeries she had to take time off to recuperate and cut back on her work. Prior to the surgeries, she has had to undergo several tests and procedures which have kept her out of the office. She has recently had additional testing and procedures and has learned that she must undergo yet another surgery early in the year. Obviously, she and I need to confer about this matter in the preparation of my opposition to the Defendants' Motions.

4. With Ms. Reed's medical situation as well as family and health issues that both my secretary and I have had to deal with (see attached as set-forth in paragraph 2. above), it has been very difficult to keep up with all of the paperwork that requires my attention. In addition, I have had to cover for Ms. Reed in other situations that required attention while she was out of the office.

5. Therefore, with my apologies for this late submission, it is respectfully requested that Plaintiff's Opposition to Defendants' Motions for Summary Judgment will be accepted and filed as though timely. Certainly, there was no disrespect for the Court intended. Based upon the numerous submissions of Mr. Connell in particular who was apparently speaking on behalf of all adversary counsel, it was obvious that neither he nor any of the other adversary counsel were going to consent to my asking for additional time.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

By:   
Robert D. Kobin

Dated: January 6, 2010

**8/31**

Out of office all day to meet with expert in Ocean County

**9/1**

3:00 – Client meeting to discuss economic expert report

**9/2**

10:00 – Depositions at correctional facility re: Bizzarro – all day

**9/3**

9:00 – Denville Municipal Court

4:00 – Client meeting

**9/4-9/7**

Labor Day short vacation

**9/8**

3:30 Final Pre-Trial Conference re: Lesende

**9/9**

11:00 – Murphy phone conference

4:00 – Bach – Settlement Conference

**9/10**

9:00 Martinez Case Management Conference

5:30 – Roxbury Municipal Court

**9/11**

11:00 New Client appointment

2:00 Meeting with clients to prepare for trial re: Bach

**9/14**

TRIALS

Ryno v. Baill – MRS L-352-06

Niper v. Prem Cleaning – MRS L-242-07

Bach v. Leymeister – MRS L-2663-07

**9/15**

10:00 Depositions re: Peragallo

3:00 – De Bene Esse deposition of physician

**9/16**

Personal afternoon to attend to family matter

**9/18**

ARBITRATIONS

Martinez v. Bubbow – SSX L-142-08

11:00 –Meeting with client to prepare interrogatories

**9/21**

TRIALS

Haden v. Baker – ESX L-8481-07

Dwyer v. Midco – ESX L-2978-07

4:00 – Morristown Municipal Court

**9/22**

TRIALS

Baker v. Akingbade and Keogh – MRS L-1676-07 and 1677-07

Estacio v. Johnson – MRS L-1871-07

3:00 Oral Argument re: Kandil

**9/23**

11:00 – Meeting with expert for trial

1:30 – Diaz – Status/Settlement Conference

**9/24**

**ARBITRATION**

9:00 – Schouten v. Stacey – SSX L-221-08 Case Management Conference

3:00 – Case Management Conference re: Levy

**9/25**

2:30 – New Client appointment

3:30 – Client meeting to settle case

4:15 – Client meeting to settle case

**9/28**

DeYoung V. Seagrave – WRN L-342-07

4:00 – Lesende – Pre-Trial Conference

**9/29**

**TRIALS:**

Peragallo v. Helmer – MRS L-1874-07

Erdmann v. Anderson – MRS L-1996-06

Estacio v. Johnson – MRS L-1871-07

Opposition to a Summary Judgment Motion Due

3:00 – Romeo v. County of Morris – phone conference

**9/30**

Opposition Brief to a Summary Judgment Motion Due re: Kandil

9:00 – Client deposition meeting

10:00 – Robinson v. Infante Depositions

4:00 – New Client appointment

**10/1**

**ARBITRATIONS:**

Olivares v. Goldrich – MRS L-269-07

Tironi v. Clark – MRS L-1233-08

3:00 New Client appointment

4:00 New Client appointment

**10/2**

10:00 – Schouten Mediation

**10/5**

**TRIALS**

Montero v. Oliveraguerra – MRS L-431-08

Montefusco v. Hobart – MRS L-1338-07

Dwyer v. Midco – ESX L-3978-07

10:00 – Maxwell Depositions

3:30 New Client appointment

4:30 New Client appointment

**10/6**

10:30 – Depositions re:Peragallo

3:00 – Graziano – Washington Twp. Municipal Court

**10/7**

10:00 Client Meeting – Bizzarro for conference

3:00 – New Client appointment

5:00 – Bizzarro – deposition preparation

**10/8**

8:45 – Levy – Trial BER DC 013686-09

1:00 Depositions re: Bizzarro

Levy – Rule 26 Disclosures Due

**10/9**

MOTIONS

Estate of Dwyer – Motion for Summary Judgment

**10/12**

Office Closed

**10/13**

10:00 – Depositions re: Robinson

3:30 – New Client appointment

**10/14**

Third Circuit Reply Brief Due

4:00 – New Client appointment

**10/15**

10:00 Client meeting to prepare for mediation

**10/16**

Huidobro – Arbitration – WRN L-302-08

Opposition to Summary Judgment Due – re: Bizzarro

Morgan Arbitration – SSX L-402-07

**10/19**

10:00 – Bizzarro Case Management Conference – SOM L-12102-08

TRIALS

Cintron v. Zink – MRS L-1742-07

Furman advs. Murray – MRS L-1402-06

Baker v. Keogh & Akingbade – MRS L-1677-01 and 1676-01

**10/20**

10:00 – Bizzarro v. Jenkins – Depositions

2:00 – Bizzarro v. Jenkins – Depositions

**10/21**

10:00 New Client appointment

11:00 – Client meeting to prepare for trial

4:40 – appointment with physician for trial

**10/22**

10:00 – Ryno mediation

7:00 McManmon – Edison Municipal Court Hearing

**10/23**

MOTIONS

Bizzarro v. Jenkins – Motion for Summary Judgment

Porfido v. Lopis – Motion for Summary Judgment

2:00 – Clarke – meeting with client

3:30 – Clarke – phone status conference

**10/26**

3:00 – Maxwell conference

5:00 – Peragallo meeting with client to prepare for deposition

**10/27**

10:00 – Peragallo depositions

4:00 – Meeting with counsel on VonAncken

**10/28**

3:00 – Client meeting to prepare interrogatory answers

5:00 – Meeting with clients to prepare Tort Claim Notice

**10/29**

12:00 – De Bene Esse Deposition of physician

4:00 – Client meeting

5:00 – Client meeting

**10/30**

9:00- Motion Hearing – Bodei v. Hackettstown Hospital – WRN L-907-08

10:00 – Client meeting to answer interrogatories

**11/2**

**TRIALS**

Romeo v. State of NJ – MRS L-939-07

Estacio v. Johnson – MRS L-1871-07

2:00 – Client meeting to review commercial contracts

4:00 – Client meeting

**11/3**

4:00 – Client meeting

5:00 – Client meeting

**11/4**

9:30 – Mansfield Municipal Court – Motion Hearing

4:30 – Client meeting

5:30 – New Client appointment

**11/5**

4:00 – New Client appointment

**MOTIONS**

Bizzarro – Summary Judgment

Hall – To Enforce Litigant's Rights

Byrne – To Dismiss

**11/6**

9:30 – Clarke – Status Conference

11:00 – Ennis – Order to Show Cause Hearing

**11/9**

**TRIALS**

Haden v. Baker – ESX L-8481-07

Dwyer v. Midco – ESX L-3978-07

Bach v. Leymeister – MRS L-3978-07

**11/10**

Begin Bach Trial – MRS L-3978-07

through **11/13**

**11/13**

10:30 – New Client appointment

3:00 – New Client appointment

**11/16**

10:00 – Depositions re: Calone

**11/17**

Niper v. Prem Cleaning – MRS L-242-07

Erdmann v. Anderson – MRS L-1996-06

Baker v. Keogh/Akingbade – MRS L-1676 and 1677-07

4:30 – Diaz Phone Conference

**11/18**

Preparation of Document Production re: Clarke

**11/19**

3:30 – Meeting with client to prepare professional malpractice case

**11/20**

Preparation of Tort Claim Notice and meeting with client re: Vanderhoof

2:00 – Meeting with witnesses for trial in Easton, PA

**11/23**

10:00 – Client meeting

3:30 – Client meeting

4:30 – Client meeting

Preparation of Motion for Reconsideration re: Porfido

**11/24**

9:00 Second meeting with witnesses for trial in Easton, PA

6:00 – Client meeting

**11/30**

TRIALS

Ryno v. Baill – MRS L-352-06 – All day conference

Niper v. Prem Cleaning – MRS L-242-07

**12/1**

TRIAL

Bartley v. American Okinawan – MRS L-2896-06

**12/2**

Client Appointments

**12/3**

9:00 – Phone conference

11:00 – Lesende – Federal Court Settlement Conference

4:00 – Client Meeting

**12/4**

Oral Argument – on Summary Judgment Motion

3:00 – New Client Appointment

**12/7**

TRIALS

Cintron v. Zink – MRS L-1742-07 – Conference

**12/8**

9:00 – Meeting with new client

10:00 – Meeting with new client

3:00 – Meeting with new client

**12/9**

9:30 – Bizzarro v. Tasco – Conference – Somerset County

2:30 – Client Meeting

4:00 – Partner's Meeting

**12/10**

2:00 – Morris County Arbitrator's Training

**12/11**

11:00 – Client Meeting

4:30 – Client Meeting

**12/14**

9:00 – Washington Twp.

11:00 – Client Meeting

**12/15**



3:00 – Client Meeting

4:00 – Client Meeting

**12/16**

10:00 – New Client Meeting

3:30 – Accompany parents' to doctor's appointment

**12/17**

9:00 – Client Meeting

2:00 – Phone Conference

4:00 – Client Meeting

**12/18**

Personal Day

**12/21**

2:00 – New Client Meeting

4:00 – Conference – Ryno v. Baill

**12/22**

9:30 – New Client Meeting

As a caveat to all of the foregoing, obviously I have the day to day motions and oppositions to prepare; complaints and tort claim notices to file; file review for and attendance at depositions, arbitrations, trials (preparation and meeting with clients/witnesses) conferences, and numerous other meetings.

In addition, as I believe the Court was previously advised, my secretary was out for some time in the Fall due to the deteriorating health and eventual funeral for her mother, and I as well, have been attending to a continuing health situation with a parent which involves attending doctors' appointments, paperwork, unexpected required assistance at their home, etc.